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Security Council Committee established pursuant to resolution 2206 (2015) concerning South Sudan

Note verbale dated 19 June 2015 from the Permanent Mission of Spain to the United Nations addressed to the Chair of the Committee

The Permanent Mission of Spain to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution 2206 (2015) concerning South Sudan and, with reference to his letter dated 1 April 2015, has the honour to submit a report on steps taken to implement that resolution, paragraph 17 of which calls upon all Member States to report to the Security Council within 90 days on the steps they have taken to implement paragraphs 9 and 12 of the resolution (see annex).

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Annex to the note verbale dated 19 June 2015 from the Permanent Mission of Spain to the United Nations addressed to the Chair of the Committee

1. Paragraph 17 of resolution 2206 (2015) concerning South Sudan calls upon all Member States to report to the Security Council within 90 days on the steps they have taken to implement paragraphs 9 and 12 of the resolution.

2. This report presents the steps taken with regard to paragraphs 9 and 12 of resolution 2206 (2015).

- With the entry into force of Decision 2015/740 (Common Foreign and Security Policy) of 7 May 2015 of the Council of the European Union concerning restrictive measures in view of the situation in South Sudan, the European Union proceeded to transpose paragraphs 9 and 12 of resolution 2206 (2015) in their entirety into the regime first established by Decision 2014/449 (Common Foreign and Security Policy) of 10 July 2014. Additional restrictive measures in force in the European Union include:

- Entry ban against those who obstruct the political process in South Sudan, including by acts of violence or violations of ceasefire agreements, as well as persons responsible for serious violations of human rights in South Sudan. At present, the European Union, by the aforementioned Decision, applies those measure to two persons, namely:

  – Santino Deng: Commander of the third Infantry Division of the Sudan People's Liberation Army that took part in the recapture of Bentiu in May 2014. Mr. Deng is thus responsible for violations of the 23 January Cessation of Hostilities Agreement.

  – Peter Gadet: Leader of the anti-government Nuer militia that conducted an attack on Bentiu from 15 to 17 April 2014, in violation of the 23 January Cessation of Hostilities Agreement. The attack resulted in the killing of more than 200 civilians. Mr Gadet is thus responsible for fuelling the cycle of violence, thus obstructing the political process in South Sudan, and for serious human rights violations.

- Likewise, by Regulation 2015/735 of 7 May 2015 of the Council of the European Union concerning restrictive measures in respect of the situation in South Sudan, the assets of the aforementioned persons were frozen, as were those of any natural or legal person, entity or body associated with them. With regard to the freezing of funds of designated persons and entities, the following steps have been taken at the European and national levels:

  – The Directorate-General of the Treasury has taken the necessary steps to comply with the asset freeze measures.

  – Spain also has a system of penalties for cases where entities do not implement this asset freeze. Law No. 10/2010, of 28 April 2010, on the prevention of money-laundering and terrorist financing, provides that failure to freeze the funds of designated persons shall be deemed a serious or very serious offence, depending on whether it is attributable to negligence or wilful misconduct. The following penalties may be imposed:

- In the case of serious offences, a fine of a minimum of 60,001 euros and a maximum of the higher of the following amounts: 1 per cent of the net assets of the obligated entity, up to the value of the transaction, plus 50 per cent; or 150,000 euros. In addition, the non-compliant entity may receive a public or private reprimand.

- In the case of an offence deemed very serious, a fine of a minimum of 150,000 euros and a maximum of the higher of the following amounts: 5 per cent of the net assets of the obligated entity, up to double the value of the transaction; or 1.5 million euros. In addition, the entity will be subject to a public reprimand or its administrative authorization to operate may even be revoked.

• Further, the European Union and its member States, by the aforementioned legal acts, have imposed an arms embargo on South Sudan, prohibiting technical assistance and financing for arms, in order to avoid any escalation of the conflict. By means of these measures, the European Union in general and Spain in particular comply with paragraphs 9 and 12 of resolution 2206 (2015).

3. Should the Security Council Committee established pursuant to resolution 2206 (2015) decide to place persons or entities other than those already designated by the European Union on the sanctions list, the Council of the European Union will list them expeditiously by means of a new decision and regulation.